

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-8, 10-13, and 15-17 are pending in this case. Claims 1, 6, and 12 are amended with support in the originally filed disclosure at least at Figures 2, 4, and 6 and by plain meaning. Thus, no new matter is added.

The outstanding Office Action rejected Claims 1, 2, 4-8, 10-13, and 15-17 under 35 U.S.C. § 103(a) as unpatentable over Burnham (U.S. Patent No. 5,005,032) in view of Fellegara, et al. (U.S. Patent No. 5,845,166, herein “Fellegara”).

Applicant respectfully traverses the rejection of the pending claims.

The outstanding Office Action asserts Burnham as teaching every element of Claim 1 except a digital camera, which it asserts Fellegara as teaching.

However, Burnham does not fully describe every feature of Claim 1, as asserted.

Because the rejection of the pending claims is identical to the rejection in the previous Office Action, Applicant addresses the Response to Arguments at page 2 of the outstanding Office Action.

The Response to Arguments asserts that “constant” distance can properly be interpreted to include different distances at different times. That is, Burnham, which depicts the flash 9 on a hinged cover and, thus, shows the flash 9 at a first distance when the cover is open, a second distance when the cover is closed, and changing distances while the cover is being opened or closed, is asserted to teach a flash “at a constant distance from said lens,” as recited by Claim 1.

The interpretation of “constant” to include changing or different distances perverts the plain meaning of the word. A flash and lens will be at some distance relative to one another. If that distance can change and still be interpreted as “constant,” then the term “constant” is

not given any meaning. Despite Applicant's view that the interpretation of "constant" distance to include different distances at different times is erroneous, independent Claims 1, 6, and 12 are amended to clarify "**a same constant distance...at all times**" to expedite the prosecution of this application.

The Response to Arguments also asserts that a "sliding" cover can properly be interpreted to include a pivoted cover and asserts the interpretation as broad and understood by one of ordinary skill in the art.

The interpretation of "sliding" cover to include pivoted cover is an incorrect rather than a broad interpretation, because one of ordinary skill plainly understands sliding as different from pivoted or hinged. Despite Applicant's view that the interpretation of "sliding" to include pivoted or hinged is erroneous, independent Claims 1, 6, and 12 are amended to clarify "**sliding, parallel to the surface of the first side of said camera body**" to expedite the prosecution of this application.

Thus, amended Claim 1 recites a digital camera comprising, *inter alia*, "**a flash device, said flash device secured to said camera body on the first side of said camera body and at a same constant distance from said lens at all times**, and said lens and said flash device being arranged in the lateral direction; and a **cover device** coupled to said camera body and **configured to cover said lens and said flash device, said cover device including a cover member configured to cover and uncover said lens and said flash device by sliding, parallel to the surface of the first side of said camera body, within a range of said camera body** in the vertical direction at the first side of said camera body."

Even with the asserted interpretations of the words "constant" and "sliding," Burnham does not teach or suggest all the elements of amended Claim 1 for which it is asserted.

The **flash 9 of Burnham is certainly not “a same constant” distance from the lens 23 “at all times”** in Burnham, as noted in the outstanding Office Action itself and as depicted at Figures 1 and 2 of Burnham.

Further, **Burnham certainly does not include a cover device “configured to cover said lens and said flash device...including a cover member...sliding, parallel to the surface of the first side of said camera body, within a range of said camera body.”** Instead, Burnham depicts, at Figures 1 and 2, and clearly describes, at column 3, lines 8-27, a “pivot connection of the front support housing permits the flash unit 5 to be manually **swung...to cover a lens opening.**” Rotation around the axial pins of Burnham does not teach or suggest sliding “parallel to the surface of the first side of said camera body,” as recited by amended Claim 1.

Fellegara does not cure the deficiencies of Burnham with regard to Claim 1, because, although the cover 12 of Fellegara moves in a vertical direction, the direction is not perpendicular to the direction in which the lens 16 and the flash unit 18 are arranged with respect to each other in Fellegara. Further, the cover 12 of Fellegara does not cover the flash unit 18.

Because Burnham and Fellegara, even in combination, do not fully describe all the elements of Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2, 4, 5, and 17, which depend therefrom, be withdrawn.

Amended Claims 6 and 12, while differing in scope and statutory class from Claim 1, patentably define over Burnham and Fellegara for similar reasons as those discussed with regard to Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 6, Claims 7, 8, 10, and 11, which depend therefrom, Claim 12, and Claims 13, 15, and 16, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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